

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Energy Resources
MASSACHUSETTS RENEWABLE AND ALTERNATIVE ENERGY PORTFOLIO STANDARDS

***INSTRUCTIONS FOR THE
RPS CLASS I & II AND APS ANNUAL COMPLIANCE FILING FOR 2017***

by Massachusetts Retail Electricity Suppliers

Pursuant to the RPS Class I, RPS Class II, and APS Regulations in 225 CMR 14.00, 15.00, and 16.00

The <i>RPS and APS Annual Compliance Filing for 2017</i> is due by Monday, <u>July 2, 2018</u>.
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WHAT'S NEW FOR 2017

1. Bifurcated Exempt Load in SCO II
 - Load exemption for SCO II applies only to competitive suppliers!
 - There are two levels of load exemptions for SCO II.
 - The first level of load exemption is for contracts entered or extended on or before April 25, 2014. This level of exempt load is not subject to any Minimum Standard.
 - The second level of load exemption is for contracts executed or extended after April 25, 2014, but on or before May 8, 2016. This level of exempt load has a Minimum Standard to meet, which is more than 0%, but is lower than the Minimum Standard applicable to load under contracts executed after May 8, 2016.
 - The net Load Obligation is equal to the Total Load Obligation DOER provided to you in mid-May, less any exemptions. The net Load Obligation is subject to a Minimum Standard.
2. Wire instructions have changed since last year! The MassCEC will send a separate encrypted email with information on how to wire ACP funds to their bank account. See Workbook, Tab N, for more information.

FILING CONTENTS AND PROCEDURE

Please review all instructions carefully before completing the *RPS & APS 2017 Annual Compliance Workbook*, but note that some of the worksheets contain instructions themselves. Complete all pages of the *Annual Compliance Workbook* electronically, except for signatures and the notary public entries on the last two tabs of the *Workbook*.

The RPS & APS 2017 Annual Compliance Workbook is due by email at DOER (doer.rps@state.ma.us) no later than Monday, July 2, 2018. The hard copy should be mailed to DOER during the same week (see address below).

- **Each emailed *Filing*** must include the Supplier name in the subject line and consist of the following:
 1. Filing Workbook – the completed emailed version should be an Excel workbook (not converted to PDF).
 2. Four quarterly NEPOOL GIS reports entitled “My Settled Certificates Disposition” – emailed as comma-separated value (CSV) Excel spreadsheets (*not PDFs*) without any deletions or other revisions, and with filenames specified in the *Instructions* below for Class I Compliance Table Five, Column D. DOER does not need to receive a hardcopy version of these reports. [Note that, as a result of Supplier mergers and acquisitions, some Filings might require more than one set of GIS reports.]
 - The filename of each such quarterly file must use the following format:

[Quarter Number]_[LSName].csv

Example: Q1_CompetitiveSupplier.csv

3. Documentation of RPS and APS Attributes that do not appear in the GIS “My Settled Certificates Disposition” reports, if needed. Any documentation that is downloaded from the GIS must remain as csv formatted Excel spreadsheets (*not PDF*).
 4. ACP Receipt from the MassCEC (not the ACP Notification).
 5. An optional cover message and/or attached letter that provides any additional information or explanations.
- **Each hard copy Filing will consist of the following:**
 1. *RPS & APS 2017 Annual Compliance Workbook* with the Certification and Authorization pages **signed** per the *Instructions*, including any required notarization.
 2. Any documentation that cannot be sent by email.

Please DO NOT mail print-outs of the NEPOOL GIS “My Settled Certificates” reports or any other GIS reports.

- **Mail or deliver hard copy Filings to this address:**

MA Department of Energy Resources
Attn RPS & APS Annual Compliance Filing Mailbox
100 Cambridge Street, Suite 1020
Boston, MA 02114

- **Certification of Accuracy and Non-Double Counting:** Each filing must be signed by a duly-Authorized Representative of the Retail Electricity Supplier who shall certify that the information in the *filing* is true, accurate, and complete, and that the RPS and APS Generation Attributes reported for RPS and APS compliance in the *filing* have neither been sold, retired, claimed or represented as part of electrical energy output or sales, nor used to satisfy obligations in jurisdictions other than Massachusetts, nor used to satisfy marketing claims for a Green Power Product in the same or any other Compliance Year in Massachusetts or in any other state.
- **DOER will notify the Filer’s Contact Person(s) and/or Authorized Representative, as appropriate, if the Filing** is incomplete or in any other way unsatisfactory, as well as of DOER’s finding of RPS or APS compliance or non-compliance for CY 2017.
- **NOTE that failure to comply** with the requirement of 225 CMR 14.00, 15.00, or 16.00 will subject a Retail Electricity Supplier to the Non-Compliance provisions in 225 CMR 14.12, 15.12, or 16.12. DOER retains the right, under 225 CMR 14.11, 15.11, & 16.11, to audit the accuracy of all

information submitted in or with this Filing, as well as to conduct on-site inspections and to copy records related to RPS and APS compliance.

QUESTIONS? Contact doer.rps@state.ma.us, or John Wassam, RPS/APS Program Manager, at 617.626.7376

INTRODUCTION TO THE 2017 COMPLIANCE FILING

Under the RPS and APS regulations, each Retail Electricity Supplier ("Supplier") serving retail load in Massachusetts (a.k.a. Load Serving Entity or LSE) must demonstrate compliance annually. RPS Compliance means that the mandated percentage (Minimum Standard) of the Supplier's annual electricity supplied to End-Use Customers, inclusive of line losses, incurred in delivering that supply (together termed "Retail Load Obligation" or just "Load Obligation"), is covered by the Supplier's ownership of Generation Attributes associated with the output of electric Generation Units qualified by the DOER for RPS Class I (including the Solar Carve-Out and Solar Carve-Out II) and the two sub-classes of Class II. Generation Attributes are represented by NEPOOL GIS Generation Certificates, as noted below. APS Compliance means that the APS-mandated percentage of its annual Load Obligation is covered by the Supplier's ownership of Attributes associated with the efficiency- & fuel-adjusted, net output of energy from facilities qualified by DOER for APS (almost all from CHP plants). Every Supplier must comply annually with six Minimum Standards.

For Compliance Year 2017 each Supplier must document that, for its 2017 Retail Load Obligation, it has acquired the required quantities of the **six** types of NEPOOL GIS Generation Certificates listed below. Each Certificate is encoded with the relevant Attributes of one megawatt hour (1 MWh) of qualified energy output from a qualified facility (differently defined for APS). Note that SCO and SCO II have load exemptions as noted below.

The six RPS and APS Minimum Standards for 2017 are shown in the table below:

RPS and APS MINIMUM STANDARDS FOR 2017							
RPS Class I, including Solar Carve-Outs					RPS Class II		APS
RPS Class I (TOTAL)	Solar Carve-Out I		Solar Carve-Out II [Exemptions applicable to Competitive Suppliers Only]		RPS Class II Renewables	RPS Class II Waste-to-Energy	APS
MINIMUM STANDARD	Exempt Load Under Contract	MINIMUM STANDARD	Exempt Load Under Contract	MINIMUM STANDARD	MINIMUM STANDARD	MINIMUM STANDARD	MINIMUM STANDARD
12.0%	On or before 6/28/2013	0.9861%	On or before 4/25/2014	0.0000%	2.5909%	3.50%	4.25%
	After 6/28/2013	1.6313%	After 4/25/2014 and on or before 5/8/2016	2.0197%			
			After 5/8/2016	2.8628%			

NOTE Each of the six types of Certificates can be used **only** for meeting the Minimum Standard for which it is denoted. Thus, an RPS Class II WEC *cannot* be used towards meeting RPS Class II Renewable Generation compliance. **HOWEVER**, SRECs and SREC IIs are types of Class I RECs and *can* be used towards meeting non-SCO, RPS Class I compliance, but an SREC and cannot be used for meet SREC II compliance, nor can an SREC II be used to meet SREC compliance.

NOTE If a Supplier has not acquired by enough Certificates to meet one or more of the Minimum Standards for 2017 by June 15th (when 2017 GIS Certificate trading ends), it must obtain the equivalent quantity of Alternative Compliance Credits (each denominated as one MWh) equal to its shortfall by making an Alternative Compliance Payment (“ACP”) to the MA Clean Energy Center (“MassCEC”) at the 2017 Alternative Compliance Payment Rate. Each Minimum Standard has a different ACP Rate per MWh, which are listed in Table Twelve of the Workbook. The information in Table Twelve is copied, in turn, to Tab N, which the Supplier will use to notify MassCEC about the details behind its ACP wire transfer.

All information submitted in or attached to the *Filing* is considered to be a public record, except for (a) price, inventory, and product delivery data in the *Compliance Filing Workbook* and the (b) attached NEPOOL GIS reports, as provided in 225 CMR 14.09(1)(b), 15.09(1)(b), & 16.09(1)(b). DOER interprets this to mean that it must keep confidential, to the extent permitted by law, the quantitative information for individual products, but that it may make public the following: all company and product names, all per-company data for regulated utilities (but not their sources of GIS Certificates), and *aggregated* totals of all data for competitive Suppliers.

This *Filing* uses the terms, definitions, and standards of the RPS Class I, RPS Class II, and APS regulations in effect for 2017, posted on the [Regulations page](#) of DOER’s RPS/APS website.

All terms are understood as referring to their usage for Massachusetts RPS and APS, and not for such programs in other states, unless another state or a broader usage is specified.

Whenever the Instructions use “RPS” without further specification, it means both RPS Class I and RPS Class II.

The “Department” or “DOER” refers to the Massachusetts Department of Energy Resources.

GENERAL INSTRUCTIONS FOR THE COMPLIANCE FILING WORKBOOK

The 2017 Compliance Tables for the six Minimum Standards, plus six additional tables and four other forms, are provided as electronic worksheets in a 16-tab MS Excel workbook - ***RPS & APS 2017 Annual Compliance Workbook***. The entire *Workbook*, completed but not signed, must be emailed as an MS Excel file (**not** PDF) by the Filing deadline of Monday, July 2, 2018.

Your hardcopy version of the *Workbook* must include printouts of *all* sheets in the *Workbook*. After the *Workbook* is printed, *the unnumbered Certification and Authorization tabs must be signed and the Authorization notarized* before they are mailed as hard copy to DOER.

If you utilize ACPs, then you must, enter ACP contact information, copy Tab N to a new file, and email that file to the MassCEC at the same time as when you wire your ACPs, per the instructions on Tab N.

The only tables that do *not* require data entry by *all* Filers are numbers 2-4, 11, and 12. However, certain data will appear in all of those tables, which all must be included in all *Filings*. If you have Certificate shortfalls for any of your six compliance obligations, they will appear in the ACP Calculation Table (Tab 12).

TABLE 0

FILER INFO

In 1.1, use the legal name under which you conduct business in the Massachusetts retail electricity market. That name will be copied to all other tabs in the *Workbook*.

The name and title of the Authorized Representative in 1.4 will be copied to Section 3 of the *Workbook*, where that person will sign the printed copy to certify the *Filing* (tab C) and will be authorized (on tab A) to do so.

PRELIM TAB (1)

PRELIMINARY INFORMATION AND DISPOSITION OF SRECs AND SREC IIS

NOTE! ***You must complete all three tables on Tab 1 PRELIM!***

Table 1A is for data that will be used in all of the Compliance Tables (Tabs 5 through 10). Tables 1B and 1C are for helping you to allocate your SRECs and SREC IIs.

TABLE 1A

2017 RETAIL PRODUCTS AND LOAD OBLIGATIONS

Column B: NEPOOL GIS Sub-Account and/or Product Name

Enter in the rows of this column the names of all of the NEPOOL GIS Sub-accounts where MA retail sales (Retail Load Obligation) have been recorded and where RPS and APS Certificates have (or should have) been settled. You may *add* to the GIS Sub-account names any descriptive labels that might assist DOER in its evaluation of your compliance documentation. This list will be copied automatically to Column B of Tables 2B and 3B (in tabs 2 & 3)) and to Column B of the six Compliance Tables (tabs 5-10).

The reason for separate entry is that documentation of that information will consist of quarterly NEPOOL GIS reports that will separately identify those sub-accounts and show RPS and APS qualified certificates settled in those sub-accounts. Such separate entry is required even though more than one sub-account may be included within a Product as defined in the Regulations.

Column C: Total Electricity Supplied under all retail contracts (per 90-Day Resettlement figures from DOER)¹

NOTE! Enter as your retail sales quantity for each row your Retail Load Obligation for that Sub-Account or Product. Your Retail Load obligation is defined by DOER as the total of the twelve monthly 90-Day Resettlement figures (a.k.a., the Data Reconciliation Process figures) for all of your retail load assets in Massachusetts (with the exception of “station service”).

Your total MWh figure for this table must equal the Grand Total of the Load Obligation spreadsheet that DOER emailed to you in early May (without the specificity of retail load asset).

Those data were provided to you for each retail load asset for each month by your host utilities, the regulated distribution utilities in whose franchise territories you sold electricity to End-use Customers. The data you received from DOER in May had been provided to DOER by the regulated utilities on a confidential basis during April. That total should be the same as the total that you can calculate from the data provided to you separately by your host utilities. That total is *not*, on the other hand, likely to match the total of the Load Obligation Certificates minted in your GIS account during the four quarters of the year, due to the delayed schedule by which the ISO New England reports 90 Day Resettlement data to the NEPOOL GIS. DOER’s prescribed procedure is meant to correct for those delays. **See** the *Guideline* cited in footnote 1 for clarification and explanation of this procedure and of DOER’s interpretation of the RPS and APS Regulations on this subject.

The *Guideline* provides for and details several possible **adjustments** to the Retail Load Obligation figures that DOER provided to you. You should have contacted DOER immediately if you regarded any adjustment to be needed:

1. Upon receipt of the figures, you should have inspected them and, if you found any discrepancies, contacted both the relevant utility and DOER immediately to ascertain the correct figures. Errors do occur. *If you have **not** already done so, you must do it immediately!*
2. If you engaged in any inter-LSE transfers of Load Obligation Certificates at the GIS during the Trading Year, you must inform DOER and provide documentation (detailed in the *Guideline*). This should occur only rarely.

The RPS regulations at 225 CMR 14.09(2)(b) also provide that your total retail sales for each MA Retail Electricity Product be “verified by an independent third party satisfactory to the Department.” DOER considers the Load Obligation data that it receives from the regulated distribution utilities (on a confidential basis) as such independent verification. Any variance from those figures must be documented as detailed herein and in the *Guideline*. In addition, DOER reserves the right to require additional documentation directly from any Supplier, including the possibility of an independent audit.²

TABLE 1B

DISPOSITION OF SRECs

This table is meant to assist each Supplier in understanding its options for the best use of SRECs, especially during years of oversupply, as well as in allocating *all* of its SRECs. It does this by providing a reminder of the several options, which may have different financial values. Those options are the following:

- banking for future SCO compliance
- deposit into the Solar Clearinghouse Auction Account for sale in the this year’s Auction(s) or for return to you with an extended life,

¹ 225 CMR 14.09(2)(a) and (b). **NOTE!** See the *Guideline for Retail Electricity Suppliers on the Determination of Sales to End-Use Customers for Calculating their Annual RPS & APS Obligation* (May 24, 2012), on-line at <http://www.mass.gov/eea/docs/doer/rps-aps/rps-compliance-basis-guideline.pdf>.

² In case DOER does require additional verification, note the following methods by which a Supplier offering an attribute-based product could verify its Product sales without an audit:

- (a) If a Supplier’s Product is Green-E certified, the audit for that certification would suffice.
- (b) If a Supplier uses an electronic business transactions (EBT) provider to manage the customers switching to its Product, that provider would qualify as a third party for verification.
- (c) A Supplier could set up a new supplier account when using EBT to sign up customers in each utility service territory.

- compliance with the non-SCO portion of the Class I Minimum Standard, **but**
- **not** for compliance with the new SCO II.

NOTE! DOER expects few, if any, surplus SRECs for 2017, so use of the SREC Auction may not be necessary. Rather, DOER *recommends* either banking or re-selling any surplus SRECs that you might have acquired that are beyond the banking limit, keeping in mind that the limit is 10% of your SREC obligation for the generation year.

In addition to those options, a Supplier can obtain value by (a) settling SRECs into a Green Product subaccount as Voluntary RECs in quantities above and beyond what is required for SCO compliance; or (b) selling SRECs to non-GIS entities and retiring them on behalf of such entities by transferring them into the GIS Reserved Account.

This table is also meant to enable DOER to understand for itself and to share in its *Annual Compliance Report* the manner in which SRECs were used within and beyond the RPS marketplace during the Compliance Year.

TABLE 1C

DISPOSITION OF SREC IIS

This table does the same for SREC IIs as the previous Table IB does for SRECs, and it is identically structured. Note that surplus SREC IIs cannot be used towards compliance with the SCO, nor may SRECs be used towards compliance with the SCO II.

NOTE! DOER expects a surplus of SREC IIs for 2017 and recommends banking any surplus up to the 10% banking limit or transferring surplus to the SREC II Solar Clearinghouse Auction Account for this summer's auction.

TABLE TWO

SCO LOAD ALLOCATION

ELECTRICITY SUPPLIED UNDER RETAIL CONTRACTS EXECUTED OR EXTENDED ON OR BEFORE JUNE 28, 2013

This worksheet (Tab 2. SCO Load Allocation) enables Retail Electricity Suppliers (both regulated utilities and competitive suppliers) to document by month in CY 2017, the allocation of Retail Load served under contracts executed or extended (a) on or before June 28, 2013, and (b) after June 28, 2013. The MWh data will be copied to Columns D and E in Table Six for Solar Carve-Out Compliance. Different Minimum Standards apply to these columns (see Columns L and M of Table Six).

Any exempt load reported must incorporate line losses.

The explanation and additional instructions for this procedure, including definition/determination of a contract extension and required documentation, are included in the [5/25/10 RPS Class II & APS Compliance Basis Guideline](#).

Note that the “electricity supplied” entered in Column D of Table 2A should be identical to the total monthly figures that DOER emailed to you in mid-May as your Load Obligation.

Enter the data for **Table 2C** to the best of your ability to project electrical load served under future years. This data is for both DOER planning purposes and for providing aggregated market information to all participants. All such projections are understood as approximations and subject to change over time.

TABLE THREE

SCO II EXEMPT

ELECTRICITY SUPPLIED UNDER RETAIL CONTRACTS EXECUTED OR EXTENDED ON OR BEFORE APRIL 25, 2014 AND FOR CONTRACTS EXECUTED OR EXTENDED AFTER APRIL 25, 2014 AND ON OR BEFORE MAY 8, 2016

Table Three enables you to provide the quantities, if any, to which a compliance exemption(s) may apply in the Solar Carve-Out II. These exemptions apply only to Competitive Electricity Suppliers and not to MassDEP-regulated distribution Utilities. [If you are a MassDPU-regulated distribution company, then do not complete this worksheet, but you must keep it in the *Workbook*.]

Note that the “electricity supplied” entered in Column D of Table 3A should be identical to the total monthly figures that DOER emailed to you in mid-May as your Load Obligation.

Exempt load is reported in Columns F and H. Any exempt load reported must incorporate line losses.

Please note that the exemption of load served under a qualifying exempt contract ends on the effective date of that contract’s subsequent extension.

Enter the data for **Table 3C** to the best of your ability to project electrical load served under future years. This data is for both DOER planning purposes and for providing aggregated market information to all participants. All such projections are understood as approximations and subject to change over time.

TABLE FOUR

CY 2017 GENERATION ATTRIBUTES/CERTIFICATES NOT DOCUMENTED BY CORRECTLY-SETTLED NEPOOL GIS GENERATION UNIT CERTIFICATES ("ERRANT CERTIFICATES")³

Table Four is for information about 2017 RPS and APS Generation Attributes/Certificates that (a) are from RPS or APS qualified Generation Units that participated in the NEPOOL GIS, but that (b) cannot, for *whatever* reason, be documented by NEPOOL GIS “My Settled Certificates” reports or that were not, for whatever reason, encoded as having RPS or APS Attributes. This should not occur, but on rare occasions it does. The response by a Certificate owner upon realization of the error should be to contact the NEPOOL GIS Administrator at gis@apx.com to ask for guidance, which might include referral to DOER for approval.

If timely resolution cannot be reached at the GIS and the certificates remain “unsettled” or improperly encoded, then the Certificate owner must request permission of DOER to use the certificates for RPS or APS compliance. In that case, the owner must explain the failure to encode or to complete certificate transfer or settlement on time. If the GIS Certificates were not settled into product sub-accounts, then the Filer must email to DOER copies of the relevant quarterly “Unsettled Certificates” reports as downloaded, un-revised, comma separated, Excel spreadsheets. A similar procedure applies if the Certificates were transferred to the Reserved Certificates account (the latter can occur when a Supplier’s Load Obligation in Quarter 4 is lower than the quantity of Certificates that is needed for compliance, especially if all of the year’s Certificates were banked to or acquired in Quarter 4.).

Documentation of the information must be provided as an attachment to the *Filing*. If documentation is not provided as NEPOOL GIS reports, then the attached documentation must be specifically verified by an independent third party satisfactory to DOER, **a matter that you must discuss with DOER ahead of time**. Finally, documentation must include a separate, hard-copy letter of assurance satisfactory to the Department that **“the [name the type and describe the certificates] have not otherwise been, nor will be,**

³ 225 CMR 14.09(2)(c)2.

sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts”, signed by the Authorized Representative who signs the *Filing*.

Note that the total for each of the several types of Attributes/Certificates will be copied automatically from Table 4B to a cell just under the Total cell for the “Not Documented” columns. *If the value copied from Table 4B does not match the relevant Total cell in a compliance table, then either you have made an error and must correct it, or you must attach an explanation with the Filing.*

Contact the RPS Program Manager for further guidance on satisfactory documentation and verification, or for situations not clearly covered here.

TABLE FIVE

RPS CLASS I ANNUAL COMPLIANCE CALCULATIONS (NET OF THE SOLAR CARVE-OUTS)

RPS Class I Compliance Table – Brief Summary

The name of each Massachusetts NEPOOL GIS sub-account will be copied from Column B of Table 1A to Column B of this table. In addition, the total quantity of electricity sold (Retail Load Obligation) under each product will be copied automatically from Column C of Table 1A to Column C of this table. The information in Columns B and C of Table Two also will be copied automatically to the other five Compliance Tables.

In Columns D through G, enter the quantity of RPS Class I Renewable Generation Attributes⁴ that you have acquired (either as CY 2017 GIS Certificates or Banked from the two previous CY Filings) and now own for the purpose of RPS Class I Annual Compliance in CY 2017. See the Detailed Instructions below.

Most of the instructions for Table Five are identical to the instructions for Tables Six through Ten.

Procedure for Determination of Retail Sales as Retail Load Obligation:

In accordance with the [Guideline](#) dated May 24, 2012,⁵ and subject to certain adjustments provided in that *Guideline*, each Supplier will regard and use as the total electricity sold to its End-Use Customers (Table 1A, Column C) the figure provided by DOER in a “Load Obligation” spreadsheet attached to an email sent to the Supplier in early May. That figure should be the *same* as the total that the Supplier can calculate from data provided to it separately by its host utilities. However, that figure is *not* likely to match the total of the Load Obligation Certificates minted in its GIS account during the four quarters of the year, due to the delayed schedule by which the ISO New England reports 90 Day Resettlement data to the GIS Administrator. The *Guideline* and the procedure detailed therein are meant to correct for those delays and to ensure that all Suppliers use the same basis for their compliance calculations.

REC Data and Formulas:

Enter the Attribute/Certificate quantities in the appropriate Columns D through G of Table Five for RPS Class I. The remaining columns of Table Five (H through M) are explained in the respective column headings themselves; all of the cells in these columns are self-calculating by locked formulas, as will be noted below.

⁴ RPS Class I Renewable Generation Attribute, which is defined in 225 CMR 14.02, is signified in a NEPOOL GIS Certificate as MA Class I Renewable Generation Unit. A GIS Certificate with a MA Class I Renewable Generation Attribute is termed a “REC” (renewable energy certificate or credit) or a “Class I REC” in common marketplace parlance. **NOTE!** The acronym “REC”, which is not defined in MA Regulations, also can refer informally to a GIS certificate earned by a Renewable Generation Unit that is not qualified by DOER for RPS Class I, such as an RPS Class II qualified Generation Unit or some other Renewable Generation Unit that uses a resource defined as Renewable but which, for whatever reason, has not applied for or is not eligible for either class of MA RPS. Examples of the latter may include Hydroelectric or Biomass plants that do not meet the size or environmental criteria, or renewable plants qualified for RPS in another New England state but not in Massachusetts.

⁵ **NOTE!** It is important that every Supplier read and understand the *Guideline for Retail Electricity Suppliers on the Determination of Sales to End-use Customers for Calculating their Annual RPS & APS Obligations*, 5/24/12, at <http://www.mass.gov/eea/docs/doer/rps-aps/rps-compliance-basis-guideline.pdf>. The summary in these instructions does not substitute for the details in the *Guideline*.

Those automatic calculations in Columns H through J of Tables Five, provide, in reverse order, the quantity of Certificates that are required for compliance (Column J), the quantity reported (Column I), and the amount of each of the compliance obligations that must be met through the Alternative Compliance Payment (ACP) mechanism (Column H).

The ACP mechanism *ensures* that all Retail Electricity Suppliers are *able* to comply even when RECs are in short supply. **NOTE!** Failure to comply would subject a Supplier to the Non-compliance provisions of 225 CMR 14.12, 15.12, and/or 16.12.

The automatic calculations in the last three columns of each Compliance Table provide the amount of banked Attributes of each Compliance type that can be banked forward for use towards compliance in the following two Compliance Years (2018 and 2019).

Detailed Column Instructions for RPS Class I Compliance and Documentation of Information

Column B: Sub-Account and/or Product Name

This information will be copied automatically from Table 1A, Column B and cannot be changed here.

Column C: Total Electricity Sold in CY 2017 for each Retail Electricity Product⁶

This information will be copied automatically from Table 1A, Column C and cannot be changed here.

Column D: CY 2017 NEPOOL GIS MA Class I Renewable Generation Unit Certificates⁷

List the quantity of MA Class I Renewable Generation Unit Certificates (RECs⁸) recorded for each Retail Electricity Product in your relevant NEPOOL GIS subaccounts.

Documentation for Column D.

For all RECs shown, please provide documentation as an **Attachment** to the *Filing*. **That documentation shall consist of the NEPOOL GIS “My Settled Certificates Disposition” reports for each of the four quarters of the Compliance Year – regardless of your loads and certificate activities for a particular quarter, and even for quarters that show *no* loads or *no* certificates. In addition, please note the following additional instructions, including and an important new one on file formats and filenames:**

- Although, for your own purposes, you can sort, filter, calculate, etc., downloaded GIS spreadsheets, DOER requires that you submit for your Compliance Filing the original downloaded version of each. In particular, **you may not delete, hide, or omit any rows of the GIS reports, including those for Unassigned, Unsettled, or Residual Mix certificates, and you may not delete any columns for other states.**
- You must not download the GIS reports until after the end of each relevant quarter’s trading period. To do it prematurely can result in data that has not been finalized at the end of a quarter.
- **Download each of those reports as a comma-separated values (csv) formatted MS Excel file by using the *Download icon* near the upper right-hand corner of each report.**
- Please save each quarter’s report in a separate workbook/file, not four sheets in one workbook.
- **The filename of each such quarterly file must use the following format:**

[Quarter Number]_[LSEname].csv

Example: Q1_CompetitiveSupplier.csv

- Both upper and lower case are OK. Underscores are OK, but do **not** use spaces, hyphens, or periods!

⁶ 225 CMR 14.09(2)(a) and (b). Also see footnote 5.

⁷ 225 CMR 14.09(2)(c)1.

⁸ Regarding RPS Class I Renewable Generation Attributes and RECs, see footnote 4.

- DOER will **not** accept GIS quarterly reports that are not named and formatted as specified above
- Please do not mail hard copies of these GIS reports.

NOTE! *If you use any SRECs or SREC IIs for non-Solar Carve-Out Class I compliance, you must indicate their quantities in row “I” of Table 1B or 1C.*

NOTE! *If any of your certificates were not settled in retail product sub-accounts or were not correctly encoded for RPS, you must not include them in Column D figures. Instead, you must include them in Column E and in Table Four.*

Column E: CY 2017 RPS Class I Attributes not Documented by Settled NEPOOL GIS MA Class I Renewable Generation Unit Certificates⁹

Column E is for 2017 RPS Class I Renewable Generation Attributes that **cannot**, for **whatever** reason, be documented by NEPOOL GIS “My Settled Certificates Disposition” reports. For the quantity of MA Class I Renewable Generation Attributes listed in Column E of the Compliance Table, if any, provide information in Table Four. See the Instructions for Table Four. The number, if any, in the Total cell of Column E must equal the MWh total for RPS I RECs in Table 4B, which will be copied automatically from Table Four to a cell beneath the Total cell of Column E. If the two values do not match, either you have made an error and should correct it, or you must include or attach an explanation with your *Filing*.

Columns F & G: Banked Attributes from the CY 2015 and/or 2016 Annual Compliance Filings¹⁰

If you have Banked Attributes from 2015 (from Certificates approved by DOER as bankable surplus RECs from your 2015 *Filing* and not used for your 2016 *Filing*), enter them in Column F. *If any 2015 banked RECs are not used for CY 2017 compliance, they will expire as unused.*

If you have Banked Attributes from 2016 (from Certificates approved by DOER as bankable surplus RECs from your 2016 *Filing*), enter them in Column G. ANY Banked attribute from 2016 could be held and used for CY 2018 compliance instead.

NOTE! ***Surplus Attributes (RECs) cannot be banked between years within the NEPOOL GIS***

Rather, they can be banked only by means of the RPS compliance filing. Thus, for MA RPS, the RECs **must** be submitted and documented in your MA RPS annual compliance filing in order to be counted as surplus and, thereby, to be confirmed by DOER as banked for compliance in subsequent years. The NEPOOL GIS Reserved Account is **not** intended for banking Massachusetts RECs, SRECs, WECs, or AECs.

Column H: CY 2017 Alternative Compliance Credits (from Alternative Compliance Payments)¹¹

Table Five will execute this calculation automatically, and you cannot change the calculated result.

The Compliance Table spreadsheet automatically calculates whether and in what amount you must utilize the Alternative Compliance mechanism provided in the Regulations. Using the figure in Column C, Column J will calculate the number of Attributes (as RECs) that are required to meet the Minimum Standard (the percentage obligation for this Compliance Year).

The Column J formula does this by multiplying the full Class I percentage by the Column C figure, rounding up the result to a whole number, and subtracting the similarly-rounded-up totals from Column N of Table Six

⁹ 225 CMR 14.09(2)(c)2. This column is for NEPOOL GIS Certificates representing the output of RPS Class I-qualified Generation Units but not coded as “MA Class I Renewable Generation Unit”, as well as for MA Class I RECs that, for whatever reason, were not settled in your GIS sub-accounts. **In either case, you must contact the RPS Program Manager at DOER for approval and procedures in order to use them for RPS compliance.**

¹⁰ 225 CMR 14.08(2) provides: “A Retail Electricity Supplier may use RPS Class I Renewable Generation Attributes produced in one Compliance Year for compliance in either or both of the two subsequent Compliance Years, subject to the limitations set forth herein and provided that the Retail Electricity Supplier is in compliance with 225 CMR 14.00 for all previous Compliance Years.” See also 225 CMR 14.09(2)(d).

¹¹ 225 CMR 14.09(2)(e). See also 225 CMR 14.08(3).

and Column O of Table Seven – the two Solar Carve-out SREC obligations, which already will have been calculated. (Recall that the two Solar Carve-Outs are just that: “carve-outs” within the Class I obligation.)

Column H will subtract from the Attribute/REC total in Column J the total of the current year Attributes/RECs and the prior year Banked amounts, Columns D through G. The result in Column H is your REC shortfall, or the number of Alternative Compliance Payment Credits (“ACP Credits”) that you need to make up the difference.

IMPORTANT NOTE: To obtain those ACP Credits, you will need to make an Alternative Compliance Payment (ACP) to the MassCEC **no later than Tuesday, June 26**. In order for the MassCEC to have sufficient time to process the payment and e-mail you an ACP Receipt so you can include it with your electronic Filing by July 2.

- Table Twelve of the *Workbook* will automatically calculate the amount of your ACP by multiplying the total of your unmet RPS Attribute obligation from Column H of this Table by the Class I ACP Rate for CY 2017.
- The data in Table 12 will be copied to Tab N which is a Notification form for you to email to the MassCEC notifying them of your APC remittance. Tab N also includes instructions for making the wire transfer of the ACP funds to the MassCEC. **NOTE:** wire instructions have changed since last year.
- The MassCEC will email you a receipt that you must forward to DOER as ACP documentation.

Column I: Total of Columns D through H for Each Product

Table Five will execute this calculation automatically, and you cannot change the calculated result. The column head is self-explanatory. The result(s) should equal or exceed the Column J figure(s).

Column J: Total Sales for each Product or Product subtotal, minus the total Solar Carve-Out and the total Solar Carve-Out II Obligations (from Tables Six and Seven)

The explanation is in the column heading.

Table Five will execute this calculation automatically, and you cannot change the calculated result (see above under Column H).

Columns K, L, & M: Calculation of Excess Attributes from 2017¹²

The spreadsheet will automatically execute these calculations, and you cannot change the calculated result.

These three columns determine if you have any Attributes in excess of the number needed for RPS Class I compliance in CY 2017, and, if so, how many may be used for Banked Compliance in one or both of the next two Compliance Years (2018 and 2019). You cannot bank an amount greater than 30% your 2017 compliance obligation.

¹² 225 CMR 14.09(2)(f). See also 225 CMR 14.08(2).

TABLE SIX

RPS SOLAR CARVE OUT (SCO) ANNUAL COMPLIANCE CALCULATIONS

Column D: Total Electricity Supplied in CY 2017 [including line losses] under Contracts Executed or Extended on or before 6/28/2013¹³

The data in this column will be *copied automatically* from Column F of Table 2B.

You cannot change the information copied from that table.

Column E: Total Electricity Supplied in CY 2017 [including line losses] under Contracts Executed or Extended after 6/28/2013.

The data in this column will be *copied automatically* from Column G of Table 2B, which you have already completed.

You cannot change the information copied from that table.

Column F: CY 2017 NEPOOL GIS MA Solar Carve-Out Unit Certificates (SRECs)

Enter the quantity of MA SRECs for each Retail Electricity Product in the Table. These quantities are documented by the four quarterly NEPOOL GIS “My Settled Certificates.”

NOTE! Solar Credit Clearinghouse Auction Reminted SRECs that are vintage 2014, 2015, or 2016 are to be treated in Table Six the same as vintage 2017 SRECs, and **NOT** as “Banked” SRECs. The reason is that, unlike *Banked* Attributes/Certificates, they are still tradeable in the NEPOOL GIS, and must be settled in a retail subaccount in order to be used towards 2017 compliance. Enter them in column F, not in the Banked Certificates columns (H & I).

NOTE That Re-minted vintage 2014 SRECs have a 3-year shelf life at the GIS so they can be used for CY 2017. Re-minted vintage 2015 SRECs have a 2-year shelf life at the GIS, so they, too, can be used for RPS compliance in CY 2017. ***If re-minted vintage 2014 or 2015 SRECs are not used for CY 2017 compliance, they will become unsettled certificates as of midnight on June 15th.*** Re-minted vintage 2016 SRECs have a 2-year shelf life and can be used through CY 2018.

NOTE! If any of your SRECs were not settled in retail product sub-accounts or were not correctly encoded as SRECs, you may not include them in Column F figures. Instead, you must include them in Column G and in Table 4A.

Column G: CY 2017 RPS Solar Carve-Out Attributes NOT Documented by Settled NEPOOLGIS “MA Solar Carve-Out Unit” Certificates (SRECs)¹⁴

Column G is for 2017 MA Solar Carve-Out Renewable Generation Attributes that **cannot**, for whatever reason, be documented by NEPOOL GIS “My Settled Certificates” reports. For the quantity of MA SRECs listed in Column G of the Compliance Table, if any, provide information in Table Four. See the Instructions for Table Four. The number, if any, in the Total cell of Column G of Table Six must equal the MWh total for SRECs in Table 4B, which will be *copied automatically* from Table Four to a cell beneath the Totals cell of Column G. If the two values do not match, either you made an error to correct, or you must include or attach an explanation with your *Filing*.

¹³ 225 CMR 14.17(2)(a)4.

¹⁴ 225 CMR 14.09(2)(c)2. This column is for NEPOOL GIS Certificates representing the output of RPS-qualified Solar Carve-Out Renewable Generation Units but not coded as “MA Solar Carve-Out Unit”, as well as for SRECs that, for whatever reason, were not settled in your GIS sub-accounts. **In either case, you must contact the RPS Program Manager at DOER for approval and procedures in order to use them for RPS compliance.**

Column H: Banked Attributes from the CY 2015 Annual Compliance Filing

If you have Banked Attributes from 2015 (from Certificates approved by DOER as bankable surplus SRECs from your 2015 *Filing* and not used for your 2016 *Filing*), enter them here. *If 2015 banked SRECs are not used for CY 2017 compliance, they will expire as unused.*

Column I: Banked Attributes from the CY 2016 Annual Compliance Filing

If you have Banked Attributes from 2016 (from Certificates approved by DOER as bankable surplus SRECs from your 2016 *Filing*), and you choose to apply them toward your 2017 SREC compliance obligation, then enter the chosen quantity here. Any Banked SREC attribute from 2016 could be held and used for CY 2018 compliance instead.

Column J: CY 2017 Alternative Compliance Credits (from Alternative Compliance Payments)

Follow the same instructions as for RPS Class I, Table Five, Column H.

Column K: Total of Columns F through J for Each Product

The column heading is self-explanatory. The result(s) should equal or exceed the Column N figure(s).
The spreadsheet will execute this calculation automatically, and you cannot change the calculated result.

Column L: Calculation of Obligation under contracts executed on or before 6/28/2013 for each Product

The spreadsheet will execute this calculation, and you cannot change the calculated result.

Column M: Calculation of Obligation under contracts executed after 6/28/2013 for each Product

The spreadsheet will execute this calculation, and you cannot change the calculated result.

Column N: Total CY 2017 Solar Carve-Out Obligation [=L+M]

This column calculates the compliance total of the bifurcated Minimum Standards rounded to the nearest whole MWh. [This total SCO obligation is subtracted from the overall RPS Class I Compliance Obligation in Table Five, Column J].

The spreadsheet will execute this calculation, and you cannot change the calculated result.

Columns O, P, & Q: Calculation of Excess Attributes from 2017

These three columns determine if you have any Attributes in excess of the number needed for RPS compliance in CY 2017, and, if so, how many may be used for Banked Compliance in one or both of the next two Compliance Years (2018 and 2019).

The Banking Limit for Solar Carve-Out Renewable Generation is **10%** of the amount needed for compliance in the year the Attributes were generated.¹⁵

Explanations are in the headings of the three spreadsheet columns and are embodied in the formulas in the Totals row.

These calculations use only column totals, not individual Product figures.

If you have more surplus SRECs than the bankable limit, see options identified in the instructions for Table 1B.

The spreadsheet will execute automatically these calculations, and you cannot change the calculated result.

¹⁵ 225 CMR 14.08(2)(b).

TABLE SEVEN

RPS CLASS I – SOLAR CARVE OUT II (SCO II) ANNUAL COMPLIANCE CALCULATIONS

Column B: Sub-Account and/or Product Name

This information will be copied automatically from Table 1A, Column B and cannot be changed here.

Column C: Total Electricity Sold in CY 2017 for each Retail Electricity Product¹⁶

This information will be copied automatically from Table 1A, Column C and cannot be changed here.

Column D: Total Electricity Supplied in CY 2017 under Contracts Executed or Extended on or before 4/25/2014¹⁷

The information in this column will be *copied automatically* from Column F of Table 3B. This quantity is **exempt** from any Solar Carve-Out II Minimum Standard.

Column E: Total Electricity Supplied in CY 2017 under Contracts Executed or Extended after 4/25/2014 and on or before 5/8/2016

The information in this column will be *copied automatically* from Column H of Table 3B. This quantity is subject to a Solar Carve-Out II Minimum Standard.

Column F Total Net Electricity Supplied in CY 2017 under non-Exempt Contracts

The information in this column will be *copied automatically* from Column I of Table 3B. This quantity is subject to a Solar Carve-Out II Minimum Standard.

Column G: CY 2017 NEPOOL GIS MA Solar Carve-Out II Generation Certificates (SREC IIs)¹⁸

Enter the quantity of MA SREC IIs for each Retail Electricity Product in this Column. These quantities are documented by the four quarterly NEPOOL GIS “My Settled Certificates” reports, which already have been explained above in the instructions for Column D of Table Five, Class I.

NOTE! Solar Credit Clearinghouse Auction Re-minted SRECs IIs are to be treated in Table 6 the same as vintage 2017 SREC IIs, not as “Banked” SREC IIs. The reason is that, unlike *Banked* Attributes/Certificates, they are still tradeable in the NEPOOL GIS, and must be settled in a retail subaccount in order to be used towards 2017 compliance. Enter them here in column G, not in the *Banked* Certificates columns (I and J).

NOTE! If any of your SREC IIs were not settled in retail product sub-accounts or were not correctly encoded as SREC IIs, you may not include them in Column F figures. Instead, you must include them in Column H and in Table 4A.

Column H: CY 2017 RPS Solar Carve-Out Attributes not Documented by Settled NEPOOL GIS SCO II Certificates [SREC IIs]¹⁹

Column H is for 2017 MA Solar Carve-Out II Renewable Generation Attributes that **cannot**, for whatever reason, be documented by NEPOOL GIS “My Settled Certificates Disposition” reports. For the quantity of MA SREC IIs listed in Column G of the Compliance Table, if any, provide information in Table Four. The

¹⁶ 225 CMR 14.09(2)(a) and (b). **NOTE! See the Guideline for Retail Electricity Suppliers on the Determination of Sales to End-Use Customers for Calculating their Annual RPS & APS Obligation** (May 24, 2012), on-line at <http://www.mass.gov/eea/docs/doer/rps-aps/rps-compliance-basis-guideline.pdf>.

¹⁷ See the *Guidelines* cited in the instructions (above) for the Exempt Contracts Data Ies.

¹⁸ 225 CMR 14.09(2)(c)1.

¹⁹ 225 CMR 14.09(2)(c)2. This column is for NEPOOL GIS Certificates representing the output of RPS-qualified Solar Carve-Out Renewable Generation Units but not coded as “MA Solar Carve-Out II Unit”, as well as for SREC IIs that, for whatever reason, were not settled in your GIS sub-accounts. **In either case, you must contact the RPS Program Manager at DOER for approval and procedures in order to use them for RPS compliance.**

number, if any, in the Total cell of Column G must equal the MWh total for SREC IIs in Table 4B, which will be *copied automatically* from Table Four to a cell beneath the Totals cell of Column G. If the two values do not match, either you have made an error and should correct it, or you must include or attach an explanation with your *Filing*.

Column M: Obligation for MWh Sales of Contracts Executed or Extended on or before April 25, 2014.

This column calculates the Compliance Obligation of the contracts executed or extended on or before April 25, 2014. It multiplies Column E times the applicable Minimum Standard.

Column N: Obligation for MWh Sales of Contracts Executed or Extended After April 25, 2014, and On or Before May 8, 2016

This column calculates the Compliance Obligation of the contracts executed or extended after April 25, 2014, and on or before 5/8/2016. It multiplies Column F times the applicable Minimum Standard.

Column O: Total Obligation for SCO II

The spreadsheet will execute this calculation, and you cannot change the calculated result. The result will be subtracted from the overall Class I Minimum Standard in Table Five, Column J.

NOTE! If you have more surplus SREC IIs than the bankable limit, see options identified in the instructions for Table 1B.

NOTE! Surplus SREC IIs cannot be used toward compliance with the Solar Carve-Out Minimum Standard.

TABLE EIGHT:

RPS CLASS II RENEWABLE GENERATION ANNUAL COMPLIANCE CALCULATIONS

Self-explanatory. See Instructions for Table Five for more information.

TABLE NINE:

RPS CLASS II WASTE ENERGY ANNUAL COMPLIANCE CALCULATIONS

No banking was allowed in 2015, so Column F is blanked out. See Instructions for Table Five for more information.

TABLE TEN

APS ANNUAL COMPLIANCE CALCULATIONS

Self-explanatory. See Instructions for Table Five for more information.

TABLE ELEVEN

GREEN POWER PRODUCT CALCULATION (RPS CLASS I ONLY)

Table Eleven is for information to document your use of 2017 RPS Class I Renewable Generation Attributes to satisfy the marketing claims of Green Power Products, *as distinguished from* your use of *other* 2017 RPS Class I Renewable Generation Attributes for 2017 RPS compliance. Each Product listed in this Table should also appear as a separate sub-account in your GIS documentation and, therefore, must be listed in the RPS Class I Compliance Table 5 of this *Filing*, along with its total retail sales. However, only the 2017 MA Class I Renewable Generation Attributes used for compliance with the product's 2017 RPS Class I obligation can appear in *both* the Class I Compliance Table and Table Eleven.

Other 2017 RPS Class I Renewable Generation Attributes used to fulfill product marketing claims must appear only in Table Eleven, **not** in Columns D or E of the Class I Compliance Table. However, **documentation** of the Attributes in Columns D and E of the Class I Table (i.e., the required GIS reports) also must encompass documentation of **all** of the 2017 MA Class I Renewable Generation Attributes of Table Eleven.

If you happen to have a Green Power Product that includes RPS Class II Renewable Generation or APS Attributes in its marketing claims, please contact the RPS Program Manager for additional guidance or assistance.

Note: If you transferred any RPS Class I RECs into the NEPOOL GIS **Reserved Account** as Voluntary Renewable Energy for individual retail customers *in Massachusetts*, you must inform DOER and attach to your emailed *Filing* a spreadsheet formatted copy of the relevant documentation. That is because those "VRECs" can qualify for the set-aside of Carbon Allowances under provisions of the Regional Greenhouse Gas Initiative ("RGGI"). See the information on Green Power Products and RGGI, on pages 18-19. If you have any questions about this provision please contact the RPS Program Manager.

TABS C AND A

This section consists of the last two worksheets, which are unnumbered but labeled as tabs C and A.

The first worksheet is a form on which the Authorized Representative named in Section 1.4 must sign and date two statements by which he or she certifies that the Generation Attributes used for RPS and APS compliance have not been double-counted by any other use, and that the *Filing* is true, accurate, and complete.

The second worksheet, for which instructions appear on the first one, is meant to assure DOER that the Authorized Representative is, in fact, authorized by the filing entity to sign the *Filing*. **You must enter the "basis for this Statement of Authorization" in the large text box.** Note that the filing entity *may* substitute its own document to assure DOER of the Authorized Representative's authorization.

These two pages will be unsigned in the emailed submission of the *Filing*, but they must be signed and notarized in the hard copy that is subsequently mailed to DOER.

TAB N

NOTIFICATION AND INSTRUCTIONS FOR WIRING ACPs TO THE MASSCEC

Tab N is to be used to notify the Massachusetts Clean Energy Center (MassCEC) of the types and amounts of any ACPs that the Supplier is using toward RPS and ACP compliance in lieu of available Certificates. The table on this tab will populate automatically from Table Twelve. The only additional information that

must be added is the Contact Information under the Retail Supplier name. You may use information from Tab 0 or, if you prefer, enter different information for ACP remittance purposes. In addition, a cell is provided on this form in case the wire transfer will have a different name on it than the Retail Supplier name; if that is *not* the case, simply leave it blank.

You must e-mail this ACP Notification form to the MassCEC on the same day as you wire the ACP(s), so that the MassCEC can match the amount of the remittance to your Supplier name and to your particular ACP Credits.

In order to email this form, you should copy the tab to a new workbook. If you have any questions about the wiring *procedure*, please contact Sarah Hawrylak at the MassCEC, by phone (617) 315-9344 or email (shawrylak@masscec.com).

The MassCEC will, upon receipt of your ACP(s), email you an ACP Receipt that lists the dollar amounts and MWh of Credits for each type and class of ACP that you remit.

NOTE! Upon receiving your ACP Receipt, you must email it to DOER as part of your Compliance Filing.

NOTE! The ACPs should be made no later than Tuesday, June 26, 2018. However, do **not** delay email submission of your Compliance Filing if you have not yet received your ACP Receipt from MassCEC. *Email the Filing **on time**, and then email the ACP Receipt to the same DOER email address as soon as you receive it.*

GUIDELINE ON RETAIL ELECTRICITY PRODUCTS, GREEN POWER PRODUCTS, AND RGGI²⁰

• RETAIL ELECTRICITY PRODUCTS

Retail Electricity Suppliers are reminded that they are required to be in compliance in each Compliance Year with regard to each individual Retail Electricity Product that they offer, and that each such Retail Electricity Product (including Basic Service) must have its own sub-account at the NEPOOL GIS. The DOER will accept GIS Certificates as documentation for RPS and APS compliance only if the Certificates are included in "My Settled Certificates Disposition" reports from NEPOOL GIS sub-accounts. However, DOER may accept other GIS Certificates in its sole discretion and only under unusual circumstances.

Retail Electricity Product is defined in the RPS and APS regulations at 225 CMR 14.02, 15.02, and 16.02 as follows:

An electrical energy offering that is distinguished by its Generation Attributes and that is offered for sale by a Retail Electricity Supplier to End-Use Customers in Massachusetts.

Generation Attribute ("Attribute") is defined at 225 CMR 14.02, 15.02, & 16.02 as follows:

A non-price characteristic of the electrical energy output of a Generation Unit including, but not limited to, the Unit's fuel type, emissions, vintage and RPS [or APS] eligibility.

Thus, any retail product offering that makes an Attribute-based marketing claim – for example, a "green" product, a "clean" product, or a "50% renewable" product – would (1) be a Retail Electricity Product under RPS and APS, (2) require its own NEPOOL GIS sub-account, and (3) need to be demonstrably in compliance with the RPS and APS Minimum Standards at 225 CMR 14.07, 15.07, & 16.07. Multiple retail product offerings to customers for which *different* Attribute-based claims are *not* made would **not**, for RPS purposes, need to be differentiated as separate Retail Electricity Products under RPS and, therefore, would **not**, for RPS purposes, require separate GIS sub-accounts. A Supplier *is* free, however, to establish separate GIS sub-accounts for non-RPS/APS purposes.

²⁰ This section replaces the "Guidance for Retail Electricity Suppliers on the Use of NEPOOL GIS Sub-Accounts for the Purpose of Documenting Massachusetts RPS Compliance" that DOER issued on May 15, 2003. **NOTE!** Also see the following: *Guideline for Retail Electricity Suppliers on the Determination of Sales to End-use Customers for Calculating their Annual RPS & APS Obligations*, 5/24/12, at <http://www.mass.gov/eea/docs/doer/rps-aps/rps-compliance-basis-guideline.pdf> for **current** guidance.

If a Supplier used NEPOOL GIS sub-accounts in 2017 for Massachusetts products that were *not* distinguished by Attributes of interest for RPS compliance (e.g., separate sub-accounts for Basic Service, for residential or commercial, for a particular municipality, for some large customers, etc.), the Supplier does not need to demonstrate compliance separately for such accounts.

The RPS and APS regulations at 225 CMR 14.09(2)(b), 15.09(2)(b), and 16.09(2)(b) require that the total retail sales for each Massachusetts Retail Electricity Product be “verified by an independent third party satisfactory to the Department, consistent with the Guideline.” For CY 2017, the verification requirement shall be met as specified in the instructions for Column D of Table Five (Class I) of the *Compliance Filing Workbook*.

Finally, each Retail Electricity Product must comply with the RPS and APS Minimums Standards *in addition* to any possible marketing claim with regard to supplying a certain percentage of electricity from renewable or alternative energy sources.

- **GREEN POWER PRODUCTS**

A Green Power Product is a product for which the Retail Electricity Supplier claims that it is providing electricity from renewable sources in excess of what is required for RPS compliance in the same year.

NOTE! A Supplier **cannot** use any RPS Class I or II Renewable Generation Attributes/RECs for RPS compliance in this *Filing* **if** those same Attributes/RECs were also used or are being used to satisfy marketing claims for a Green Power Product in the same or any other Compliance Year, either in Massachusetts or in any other state or province.

DOER does not have responsibility for monitoring or ensuring compliance with retail marketing claims or representations. Nevertheless, if any of your Products during CY 2017 was a Green Power Product, then you must be prepared to demonstrate to the satisfaction of the Department that *none* of the RPS Class I or Class II Renewable Generation Attributes/RECs (including any Alternative Compliance Credits) used to satisfy the marketing claims or representations of such Products were also used for CY 2017 RPS Compliance. DOER retains the right, under 225 CMR 14.11 and 15.11, to audit the accuracy of all information submitted in or with this *Filing*, as well as to conduct on-site inspections and to copy records related to RPS compliance.

NOTE: Table Eleven in the *Compliance Filing Workbook* will provide DOER with minimum accounting for the RPS Renewable Generation Attributes used in Green Power Products.

- **GREEN POWER PRODUCTS, VOLUNTARY RENEWABLE ENERGY (VRE), AND RGGI**

Since Compliance Year 2009, a Retail Electric Supplier that provides Green Power Products to end-use (retail) customers in Massachusetts consisting of RPS Class I Certificates *above the RPS Class I Compliance Obligation*, can report such “voluntary” Certificates to DOER for the purpose of setting aside an appropriate amount of Carbon Allowances from the Regional Greenhouse Gas Initiative (RGGI) auction.²¹ This provision enables green product marketers to accurately claim that the renewable energy will result in reductions in greenhouse gas emissions under the RGGI framework. The Voluntary Renewable Energy (VRE) RGGI Set-Aside program was established by DOER under 225 CMR 13.14. Any Supplier that documents in Table Eleven the use of RPS Class I Certificates for Green Power Products is assumed to have retired them by or for Massachusetts residents, organizations or companies, and may be contacted by DOER to confirm the marketing claims. In addition, any Supplier that settled Class I RECs in the Reserved Account at the GIS as Voluntary Renewable Energy should include documentation of its Reserved Certificates deposits as the means of documenting such VRE RGGI Set-Asides for Carbon Allowances under RGGI (see also the instructions for Table Eleven of the *Compliance Filing Workbook*).

²¹ See the MassDEP Regulation, 310 CMR 7.71(5)(c)1.b.